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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

In re T.S., a Person Coming Under the
Juvenile Court Law.

B235894
(Los Angeles County
Super. Ct. No. CK81011)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN AND
FAMILY SERVICES,

Plaintiff and Respondent,

v.

S.S.,

Defendant and Appellant.

APPEAL from orders of the Superior Court of Los Angeles County. Timothy R. Saito, Judge. Dismissed by opinion.

M. Elizabeth Handy, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance on behalf of Plaintiff and Respondent.

* * * * *

Appellant S.S. (Mother) appeals from jurisdiction and disposition orders regarding her child T.S. Pursuant to *In re Sade C.* (1996) 13 Cal.4th 952, 994 and *In re Phoenix H.* (2009) 47 Cal.4th 835, 846, we dismiss the appeal.

FACTUAL AND PROCEDURAL BACKGROUND

T.S. came to the attention of respondent Los Angeles County Department of Children and Family Services (DCFS) in March 2011 when he tested positive for amphetamines at birth. According to the DCFS detention report dated March 29, 2011, Mother denied being a “hard core drug user” but admitted to smoking marijuana occasionally. She was not sure how long she had been using “meth” but remembered using it in the summer of 2010, and other times since then including the night she gave birth to T.S. Mother stated, “I new [*sic*] I should not be using but I thought it was okay since the baby was not due until 3/29/11.”

Mother had a history of referrals for neglect and in April 2010 her four children were removed from her care and placed with their maternal grandmother. Mother’s criminal history included marijuana possession in 2007 and grand theft in February 2010. In June 2010, she was placed on probation for three years on the condition that she spend 72 days in county jail and ordered to cooperate with a substance abuse plan. In November 2010 while pregnant with T.S., she was arrested for drug possession and ordered to serve 90 days in county jail. Paternity testing showed that Darnell B. was the biological father of T.S. He was incarcerated and had a 35-year history of violence related crimes including charges of robbery, domestic violence and battery.

On March 29, 2011, DCFS filed a petition pursuant to Welfare and Institutions Code section 300, subdivision (b)¹ on behalf of T.S. The petition alleged that T.S. was born with a positive toxicology screening for amphetamines as a result of unreasonable

¹ Unless otherwise indicated, all further statutory references are to the Welfare and Institutions Code.

acts by Mother, and Mother's history of substance abuse and current use of amphetamines, methamphetamines, and marijuana rendered her incapable of providing care for T.S. The juvenile court ordered that T.S. be detained, and vested custody with DCFS.

The petition was amended on April 28, 2011 to add domestic violence allegations pursuant to section 300, subdivisions (a) and (b). It was alleged that Mother and Darnell B. had a history of domestic violence and engaged in violent altercations during Mother's pregnancy with T.S. In an incident on November 12, 2010, Mother sustained cuts to her hands when she and Darnell B. wrestled over car keys. Mother's lip was also cut as a result of being punched in the mouth by Darnell B. During the investigation the arresting officer discovered an active domestic violence restraining order in effect preventing Darnell B. from having any contact with Mother until May 3, 2015.

In the April 28, 2011 jurisdiction and disposition report, DCFS indicated that T.S. resided with his four siblings in the home of his maternal grandmother. He was referred for assessment for developmental deficits because he did not appear to be crying appropriately. The maternal grandmother reported that Mother's visits to T.S. and her other children were brief and unscheduled and her relationship with the children was shallow and superficial. Mother was not interested in parenting T.S. or any of the other children. The report concluded that T.S. was at a "Very High Risk for abuse and neglect if issues of substance abuse, parenting, domestic violence and child protection issues remain[ed] unaddressed."

Mother was not present for the jurisdiction hearing on July 8, 2011. After receiving the DCFS reports into evidence and listening to arguments of counsel, the juvenile court sustained the petition. The court found that T.S. was a person as described in section 300, subdivision (b) and proceeded immediately to disposition. It declared T.S. a dependent of the court and removed him from the custody of his parents. The

court ordered reunification services be provided to both parents, including monitored visits with T.S., substance abuse and domestic violence counseling.

Mother appealed. On December 6, 2011, pursuant to *In re Phoenix H.*, *supra*, 47 Cal.4th at page 843, Mother's appointed counsel filed an "Opening Brief" setting forth the applicable facts and law, and informing this court that she found no arguable issues to be pursued on appeal and that she advised Mother that she may seek permission to file a supplemental brief. We permitted Mother to file a supplemental brief, which she has done.

Mother essentially blames her social workers for failing to provide her with resources and inspiration. She also claims that she has not been provided with the appropriate hearing notices or minute orders.

DISCUSSION

"An appealed-from judgment or order is presumed correct. [Citation.] Hence, the appellant must make a challenge. In so doing, he must raise claims of reversible error or other defect [citation], and 'present argument and authority on each point made' [citations]. If he does not, he may, in the court's discretion, be deemed to have abandoned his appeal. [Citation.] In that event, it may order dismissal. [Citation.]" (*In re Sade C.*, *supra*, 13 Cal.4th at p. 994.)

Mother has established no error in the proceedings below, nor any legal basis for reversal. Both the jurisdictional and dispositional findings are reviewed under the substantial evidence standard. (*In re E.B.* (2010) 184 Cal.App.4th 568, 574.) Under this standard, we determine whether there is any substantial evidence, contradicted or uncontradicted, which supports the juvenile court's conclusion. (*In re Tracy Z.* (1987) 195 Cal.App.4th 107, 113.) "In making this determination, we draw all reasonable inferences from the evidence to support the findings and orders of the dependency court; we review the record in the light most favorable to the court's determinations; and we

note that issues of fact and credibility are the province of the trial court. [Citation.]”
(*In re Heather A.* (1996) 52 Cal.App.4th 183, 193.)

Here, substantial evidence in the form of Mother’s statements to DCFS about her admitted drug use, T.S.’s positive toxicology report showing the presence of amphetamines at birth, Mother’s prior history of referrals for neglect, and her criminal history supported the juvenile court’s findings.

Because Mother has not provided any reasoned argument or authority showing that any of the juvenile court’s rulings, as to matters properly within the scope of this appeal, constitute reversible error, we deem her appeal as having been implicitly abandoned.

DISPOSITION

The appeal filed August 23, 2011 is ordered dismissed.

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_____, J.

DOI TODD

We concur:

_____, P. J.

BOREN

_____, J.

ASHMANN-GERST